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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 21, 2002

APPLICATION OF

BROADSLATE NETWORKS OF VIRGINIA, INC.

CASE NO. PUC020016

For emergency authority to discontinue  
local exchange telecommunications  
services and cancellation of  
certificates

ORDER AUTHORIZING DISCONTINUANCE  
OF ALL TELECOMMUNICATIONS SERVICES  
AND CANCELLATION OF CERTIFICATES

On February 4, 2002, Broadslate Networks of Virginia, Inc. ("Broadslate"), filed with the State Corporation Commission ("Commission") an Application for emergency authority to discontinue local exchange telecommunications services and cancellation of its certificates ("Application").<sup>1</sup> On February 13, 2002, Broadslate filed a supplement to its Application which is denoted as Attachment A to the Application. Broadslate requests approval to discontinue the provision of broadband data services in the Commonwealth effective March 15, 2002. The Company states that it has not achieved its financial goals and has been unsuccessful in obtaining financing necessary

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<sup>1</sup> Broadslate was issued Certificate No. T-470a and TT-82B on March 24, 2000, in Case No. PUC000049. Certificate No. T-470a authorizes the provision of local exchange telecommunications services, and Certificate No. TT-82B authorizes the provision of facilities-based interexchange telecommunications services.

to operate due to the current economic climate and the impact of the terrorist acts of September 11, 2001. The Application further states that attempts to sell the Company or find investors have now terminated.

According to the Application, Broadslate currently provides broadband data services to approximately 655 customers in Virginia. The Company does not provide voice services and does not serve any residential customers.

Pursuant to 20 VAC 5-400-180 D 7, Broadslate cannot "abandon or discontinue local exchange service except with the approval of the Commission, and upon such terms and conditions as the Commission may prescribe." The Commission's primary concern with authorizing discontinuance is that adequate customer notice be given. Broadslate's Application states that customers were provided notice on January 29 and 30, 2002, by overnight delivery.<sup>2</sup>

The Commission finds that Broadslate's customers have received sufficient advance notice of the planned March 15, 2002, cessation of services. Broadslate has indicated in the

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<sup>2</sup> A copy of its customer notices, mailed by overnight delivery on January 29, 2002, to 388 customers without a transition plan, and on January 30, 2002, to its other 267 Virginia customers with a plan to transition their services to DSL.net, Inc., was omitted in Attachment A to the Application and subsequently filed on February 13, 2002. The customer notices appear to satisfy the requirements of the Federal Communications Commission ("FCC"), codified at 47 CFR § 63.71. Broadslate's § 63.71 Application to the FCC was also included in Attachment A to the Application.

Application that it will continue to assist its customers in transitioning them to an alternative provider until March 15, 2002.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUC020016.

(2) Broadslate is hereby authorized to discontinue all telecommunications services provided in the Commonwealth of Virginia, effective March 15, 2002, subject to the findings above.

(3) Broadslate's Certificate Nos. T-470a and TT-82B are hereby cancelled, effective March 31, 2002.

(4) Broadslate's tariffs on file with the Division of Communications shall be cancelled, effective March 31, 2002.

(5) On or before March 11, 2002, Broadslate shall report to this Commission's Division of Communications the number of its remaining customers in Virginia and any plans or efforts to transfer any of these customers to other carriers.

(6) There being nothing further to come before the Commission, this case is hereby closed.